REMARKS

By this amendment, applicants have canceled claim 2 without prejudice or disclaimer and have amended claims 3 - 8 to recite that the oxide film is in contact with the absorption solution and protects the surface from corrosion due to the absorption solution during operation of the absorption refrigerator. See, e.g., paragraph 0017 and 0018 of applicants' specification.

Claims 2 - 4 and 6 - 8 stand rejected under 35 USC 103(a) as allegedly being unpatentable over United States Patent No. 4,297,150 to Foster et al in view of United States Patent No. 3,200,604 to Greeley et al. Applicants traverse this rejection and request reconsideration thereof.

The rejected claims relate to a production method for an absorption refrigerator using a refrigerant and its absorption solution. The claims set forth the step of heating a surface of at least a part of a heat exchanger and high temperature regenerator in an atmosphere containing oxygen gas to form an oxide film thereon. The oxide film is in contact with the absorption solution and protects the surface from corrosion due to the absorption solution during operation of the absorption refrigerator. See, e.g., numbered paragraph 0017 and 0018 of applicants' specification.

The patent to Foster et al discloses a process for forming protective metal oxide films on metal or metal alloy substrate surfaces susceptible to coking, corrosion or catalytic activity. The process comprises first pre-oxidizing the substrate surface and then depositing on the pre-oxidized surface a metal oxide of Ca, Mg, Al, Ga, Ti, Zr, Hf, Ta, Nb or Cr by vapor phase decomposition of a volatile compound of the metal which has at least one metal-oxygen bond. However, the outer protective surface film in contact with the corrosive environment in Foster et al is the deposited

metal oxide layer. The pre-oxidation step appears to only be for the purpose of providing a way to form adherent and smooth deposited metal oxide protective layers. See, e.g., column 2, lines 3 - 8 and 38 - 46 of Foster et al. On the other hand, according to the present invention, the production method heats the surface of at least part of a heat exchanger and high temperature regenerator in an atmosphere containing oxygen gas to form an oxide film thereon, the oxide film being in contact with the absorption solution and protecting the surface from corrosion due to the absorption solution during operation of the absorption refrigerator. The pre-oxidized film described in Foster et al is not in contact with the corrosive environment.

Moreover, as recognized by the Examiner, the Foster et al patent does not disclose a production method of an absorption refrigerator and does not describe heating a surface of at least a part of a heat exchanger and high temperature regenerator.

The Greeley et al patent discloses a method of forming a corrosion inhibitor and a corrosion inhibiting coating on metal surfaces within an absorption refrigeration machine. Greeley et al disclose providing a suitable antimonial material in the absorbent solution to develop a corrosion inhibiting antimonial coating on the surfaces of the absorption refrigeration machine in contact with the solution.

It is submitted there would have been no motivation to combine the teaching of Foster et al and Greeley et al. In this connection, the Greeley et al patent teaches that the iron containing metal parts of the absorption refrigerator should be exposed to the absorption solution containing the antimonial material to provide the corrosion resistant coating. There would have been no motivation to conduct a pre-oxidation step as disclosed in Foster since, by doing so, the iron containing parts would no longer be exposed to the absorption solution containing the antimonial material.

Moreover, even assuming, arguendo, one of ordinary skill in the art would have combined Greeley et al and Foster et al, it is submitted the combined teachings would have suggested not only pre-oxidizing the surfaces but also depositing a metal oxide film as taught by Foster et al. In that case, the method based on the combined teachings of Foster et al and Greeley et al would not heat a surface of at least a part of a heat exchanger and high temperature regenerator in an atmosphere containing oxygen gas to form an oxide film thereon, the oxide film being in contact with the absorption solution during operation of the absorption refrigerator.

Accordingly, it is submitted the presently claimed invention is patentable over the proposed combination of Foster et al and Greeley et al.

In response to the rejection of claims 2 - 8 under the judicially created doctrine of obviousness-type double patenting, applicants are submitting herewith a timely filed terminal disclaimer in compliance with 37 CFR 1.321(c). Accordingly, reconsideration and withdrawal of the obviousness-type double patenting rejection are requested.

The terminal disclaimer has been filed in order to advance the prosecution of the subject application and is not an admission of the propriety of the double patenting rejection.

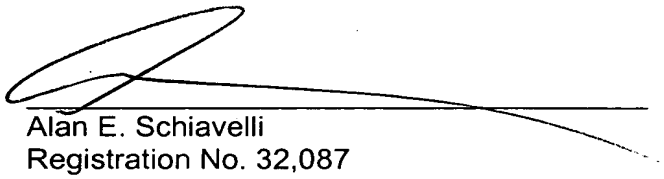
In view of the foregoing amendments and remarks and the attached terminal disclaimer, favorable reconsideration and allowance of all of the claims now in the application are requested.

To the extent necessary, applicants petition for an extension of time under 37 CFR 1.136. Please charge any shortage in the fees due in connection with the filing of this paper, including extension of time fees, to the deposit account of Antonelli,

Terry, Stout & Kraus, LLP, Deposit Account No. 01-2135 (Case: 503.34897CC3), and please credit any excess fees to such deposit account.

Respectfully submitted,

ANTONELLI, TERRY, STOUT & KRAUS, LLP



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